

FILED IN THE DISTRICT COURT
ROGERS COUNTY OKLAHOMA

IN THE DISTRICT COURT IN AND FOR ROGERS COUNTY
STATE OF OKLAHOMA

DEC 08 2020

CATHI EDWARDS, COURT CLERK

DEPUTY

Pedro Alvarado,

Plaintiff,

vs.

National Design Build Services LLC

Defendant,

CJ 2020- 360

PETITION

COMES NOW, the Plaintiff, Pedro Alvarado, and for his Petition against the Defendant,
alleges and states as follows:

1. On or about January 10, 2019, Plaintiff Pedro Alvarado was an employee of Vertical Concrete Structures Inc. working at the job site at the Sofidel Paper Mill location at Inola, Rogers County, Oklahoma in Building E at said location.
2. That upon information and belief, Defendant National Design Build Services LLC was contracted to perform and performing HVAC work at the Sofidel Paper Mill location at Inola Rogers County Oklahoma Building E during the relevant time periods in January 2019.
3. That upon information and belief, Defendant National Design Build Services LLC is a foreign limited liability company incorporated in Missouri and registered in Oklahoma.
4. That upon information and belief, employees of Defendant National Design Build Services LLC negligently removed red danger tape and any barriers to the area (subject area) in which they were working at the Sofidel Paper Mill location at

Inola Rogers County Oklahoma Building E before said work was completed and while a gap still existed in the floor in the area in which they had been working.

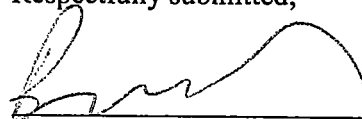
5. That upon information and belief, in said subject area at the Sofidel America location at Inola Rogers County Oklahoma Building E on approximately 1-10-19 at approximately 3:20 pm, employees of upon information and belief Vertical Concrete Structures Inc. were carrying some plywood boards which fell some several feet from the floor above through subject gap, landing on the right shoulder area of the Plaintiff Pedro Alvarado, who was on the floor below.(subject boards).
6. That at the time of the fall subject boards, no warning tape or barriers or any warning of the gap in the floor was present in subject area.
7. That as a result of the falling boards impacting his shoulder, Plaintiff sustained injury, suffered great pain of body and mind, incurred expenses for medical treatment, and was prevented from transacting his business.
8. That said plywood boards fell through said floor directly as a result of the negligence of employees of Defendant National Design Building Services LLC, who breached its duty of care by negligently removing red danger tape and any barriers to the area in which they were working at the Sofidel America location at Inola Rogers County Oklahoma Building E and in which said gap was located before said work was completed.
9. As a result, subject area was unsafe to work in and there were unmarked warnings or danger signs of the gap in the floor which a created the hazardous and unsafe conditions in which subject boards fell through the floor and injured Plaintiff.

10. That Defendant National Design Build Services LLC is vicariously liable under the doctrine of respondeat superior for the negligent acts of its employees in subject 1-10-19 incident.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays judgment against the Defendant in an amount in excess of 28 U.S.C. 1332 limits together with interest, costs, and attorney fees.

ATTORNEY LIEN ASSERTED

Respectfully submitted,



Bret A. Unterschuetz OBA #14088

ARTHUR H. ADAMS, P.C.

10202 E. 41st ST.

Tulsa, Okla. 74146

Telephone: (918) 496-9155

Facsimile: (918) 496-0106

**IN THE DISTRICT COURT IN AND FOR ROGERS COUNTY
STATE OF OKLAHOMA**

Pedro Alvarado,

Plaintiff,

vs.

National Design Build Services LLC

Defendant,

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CJ 2020-360

FILED IN THE DISTRICT COURT
ROGERS COUNTY OKLAHOMA

JAN 28 2021

CATHI EDWARDS, COURT CLERK

DEPUTY

FIRST AMENDED PETITION

COMES NOW, the Plaintiff, Pedro Alvarado, and pursuant to 12 O.S. 2015 and as no responsive pleading has been filed, does for his First Amended Petition against the Defendant alleges and states as follows:

1. On or about January 10, 2019, Plaintiff Pedro Alvarado was an employee of Vertical Concrete Structures Inc. working at the job site at the Sofidel Paper Mill location at Inola, Rogers County, Oklahoma in Building E at said location.
2. That upon information and belief, Defendant National Design Build Services LLC was contracted to perform and performing HVAC work at the Sofidel Paper Mill location at Inola Rogers County Oklahoma Building E during the relevant time periods in January 2019.
3. That upon information and belief, Defendant National Design Build Services LLC is a foreign limited liability company incorporated in Missouri and registered in Oklahoma.
4. That upon information and belief, employees of Defendant National Design Build Services LLC negligently removed red danger tape and any barriers to the area

(subject area) in which they were working at the Sofidel Paper Mill location at Inola Rogers County Oklahoma Building E before said work was completed and while a gap still existed in the floor in the area in which they had been working.

5. That upon information and belief, in said subject area at the Sofidel America location at Inola Rogers County Oklahoma Building E on approximately 1-10-19 at approximately 3:20 pm, employees of upon information and belief National Design Build Services LLC were carrying some plywood boards which fell some several feet from the floor above through subject gap, landing on the right shoulder area of the Plaintiff Pedro Alvarado, who was on the floor below.(subject boards).
6. That at the time of the fall subject boards, no warning tape or barriers or any warning of the gap in the floor was present in subject area.
7. That as a result of the falling boards impacting his shoulder, Plaintiff sustained injury, suffered great pain of body and mind, incurred expenses for medical treatment, and was prevented from transacting his business.
8. That said plywood boards fell through said floor directly as a result of the negligence of employees of Defendant National Design Building Services LLC, who breached its duty of care by dropping said boards and by negligently removing red danger tape and any barriers to the area in which they were working at the Sofidel America location at Inola Rogers County Oklahoma Building E and in which said gap was located before said work was completed.
9. As a result, subject area was unsafe to work in and there were unmarked warnings or danger signs of the gap in the floor which a created the hazardous and unsafe

conditions in which subject boards fell through the floor and injured Plaintiff.

10. That Defendant National Design Build Services LLC is vicariously liable under the doctrine of respondeat superior for the negligent acts of its employees in subject 1-10-19 incident.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays judgment against the Defendant in an amount in excess of 28 U.S.C. 1332 limits together with interest, costs, and attorney fees.

ATTORNEY LIEN ASSERTED

Respectfully submitted,



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Tulsa, Okla. 74146

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Facsimile: (918) 496-0106

RETURN/AFFIDAVIT OF SERVICE
IN THE DISTRICT COURT OF
STATE OF OKLAHOMA
 200 South Lynn Riggs Blvd., Claremore, Oklahoma 74017

Case No. _____

PEDRO ALVARADO, Plaintiff(s)

vs. NATIONAL DESIGN BUILD SERVICES LLC, Defendant(s)

Attorney(s) for Plaintiff(s)
 Name _____
 Address BRETT A. UNTERSCHUETZ, OBA 14088
10202 East 41st Street
TULSA, OKLAHOMA 74146

Telephone _____
 (918) 496-9155

PERSONAL SERVICE

I certify that I received the foregoing summons the _____ day of _____, 20_____, and that I delivered a copy of said summons with a copy of the petition and order attached to each of the following named defendants personally in _____ County at the address and on the date set forth opposite each name, to wit:

Name of Defendant	Address	Date of Service
National Design Build Services LLC R/A: Corporation Service Company 10300 Greenbriar Place Oklahoma City, OK 73159	_____	_____

USUAL PLACE OF RESIDENCE

I certify that I received the foregoing summons the _____ day of _____, 20_____, and that on _____, I served _____ by leaving a copy of said summons with a copy of the petition and order attached at _____, which is his dwelling house or usual place of abode, with _____, a person then residing therein, who is fifteen (15) years of age or older.

CORPORATION RETURN

Received this summons this _____ day of _____, 20_____, and as commanded therein, I summoned the within named defendant, as follows, to wit:

a corporation, on the _____ day of _____, 20_____, by delivering a true and correct copy of the within summons hereof with endorsements thereon and a copy of the petition to _____ he being the _____ of said corporation, and the _____ President, Vice President, Secretary, Treasurer, or other chief officer not being found in said County.

NOT FOUND

Received this summons this _____ day of _____, 20_____, I certify that the following persons of the defendant(s) within named not found in said County:

FEES

Fee for service \$ _____, Mileage \$ _____, Total \$ _____
 Dated this _____ day of _____, 20_____.

Sheriff

By: _____
 Deputy - Tulsa County, Oklahoma

By: _____
 Process Server - Tulsa County, Oklahoma

AFFIDAVIT

I, _____, the undersigned, under oath, do say that I served this summons and made the return thereon, according to law that I am duly authorized to make this affidavit so help me God.

Process Server

Subscribed to and sworn to before me this _____ day of _____, 20_____.

~~Don Newberry~~, Court Clerk

My Commission Expires: _____

Deputy Court Clerk or Notary Public

CERTIFICATE OF SERVICE BY MAIL

I certify that I mailed copies of the foregoing summons with a copy of the petition and order attached to the following named defendants at the address shown by certified mail, addressee only, return receipt requested, on the _____ day of _____, 20_____, and receipt thereof on the dates shown:

Defendant	Address Where Served	Date Received
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature of person mailing summons

Return BOTH copies.

Arthur H. Adams, P.C.
A PROFESSIONAL LAW CORPORATION
10202 EAST 41ST STREET
TULSA, OK 74146

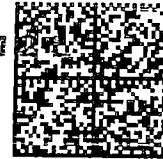


7019 1120 0001 8741 7469

TULSA OK 740

26 FEB 2021 PM 12:19

FIRST-CLASS



PITNEY BOWES
US POSTAGE
\$ 007.16⁰
02 7H
0001291041 FEB 26 2021
MAILED FROM ZIP CODE 74146

National Design Build Services LLC
R/A:Corporation Service Company
10300 Greenbriar Place
Oklahoma City, OK 73159

73159-785389



**OKLAHOMA**
State Courts Network

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IN THE DISTRICT COURT IN AND FOR ROGERS COUNTY, OKLAHOMA

Pedro Alvarado,
Plaintiff,

v.

National Design Build Services LLC,
Defendant.

No. CJ-2020-360

**(Civil relief more than \$10,000: NEGLIGENCE
(GENERAL))**

Filed: 12/08/2020

Judge: Condren, Sheila A.

PARTIES

Alvarado, Pedro, Plaintiff

National Design Build Services LLC, Defendant

ATTORNEYS**Attorney**

Unterschuetz, Bret A. (Bar #14088)
Arthur H. Adams, P.C.
12020 East 41st Street
Tulsa, OK 74146

Represented Parties

Alvarado, Pedro

EVENTS

None

ISSUES

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

Issue # 1.

Issue: NEGLIGENCE (GENERAL) (NEGL)

Filed By: Alvarado, Pedro



Filed Date: 12/08/2020

Party Name**Disposition Information**

Pending.

DOCKET

Date	Code	Description	Count	Party	Amount
12-08-2020	TEXT	CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING. Document Available at Court Clerk's Office	1		
12-08-2020	NEGL	NEGLIGENCE (GENERAL)			
12-08-2020	DMFE	DISPUTE MEDIATION FEE			\$ 7.00
12-08-2020	PFE1	PETITION Document Available (#1048484767)  TIFF  PDF			\$ 163.00
12-08-2020	PFE7	LAW LIBRARY FEE			\$ 6.00
12-08-2020	OCISR	OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND			\$ 25.00
12-08-2020	OCJC	OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND			\$ 1.55
12-08-2020	OCASA	OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES			\$ 5.00
12-08-2020	SSFCHSCPC	SHERIFF'S SERVICE FEE FOR COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER			\$ 10.00
12-08-2020	CCADMINCSF	COURT CLERK ADMINISTRATIVE FEE ON COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER			\$ 1.00
12-08-2020	CCADMIN0155	COURT CLERK ADMINISTRATIVE FEE ON \$1.55 COLLECTION			\$ 0.16
12-08-2020	SJFIS	STATE JUDICIAL REVOLVING FUND - INTERPRETER AND TRANSLATOR SERVICES			\$ 0.45
12-08-2020	DCADMIN155	DISTRICT COURT ADMINISTRATIVE FEE ON \$1.55 COLLECTIONS			\$ 0.23
12-08-2020	DCADMIN05	DISTRICT COURT ADMINISTRATIVE FEE ON \$5 COLLECTIONS			\$ 0.75
12-08-2020	DCADMINCSF	DISTRICT COURT ADMINISTRATIVE FEE ON COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER			\$ 1.50
12-08-2020	CCRMPF	COURT CLERK'S RECORDS MANAGEMENT AND PRESERVATION FEE			\$ 10.00
12-08-2020	CCADMIN04	COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS			\$ 0.50
12-08-2020	LTF	LENGTHY TRIAL FUND			\$ 10.00
12-08-2020	SMF	SUMMONS FEE (CLERKS FEE)			\$ 10.00
12-08-2020	SMIMA	SUMMONS ISSUED - MAILED BY ATTORNEY			
12-08-2020	TEXT	OCIS HAS AUTOMATICALLY ASSIGNED JUDGE CONDREN, SHEILA A. TO THIS CASE.			

12-08-2020	ACCOUNT	RECEIPT # 2020-630041 ON 12/08/2020. PAYOR: ARTHUR H ADAMS PC TOTAL AMOUNT PAID: \$ 252.14. LINE ITEMS: CJ-2020-360: \$173.00 ON AC01 CLERK FEES. CJ-2020-360: \$6.00 ON AC23 LAW LIBRARY FEE CIVIL AND CRIMINAL. CJ-2020-360: \$1.66 ON AC31 COURT CLERK REVOLVING FUND. CJ-2020-360: \$5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES. CJ-2020-360: \$1.55 ON AC59 COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND. CJ-2020-360: \$7.00 ON AC64 DISPUTE MEDIATION FEES CIVIL ONLY. CJ-2020-360: \$0.45 ON AC65 STATE JUDICIAL REVOLVING FUND, INTERPRETER SVCS. CJ-2020-360: \$2.48 ON AC67 DISTRICT COURT REVOLVING FUND. CJ-2020-360: \$25.00 ON AC79 OCIS REVOLVING FUND. CJ-2020-360: \$10.00 ON AC81 LENGTHY TRIAL FUND. CJ-2020-360: \$10.00 ON AC88 SHERIFF'S SERVICE FEE FOR COURT HOUSE SECURITY. CJ-2020-360: \$10.00 ON AC89 COURT CLERK'S RECORDS MANAGEMENT AND PRESERVATION FEE.			
01-28-2021	SMF	SUMMONS FEE			\$ 10.00
01-28-2021	SMIMA	SUMMONS ISSUED - MAILED BY ATTORNEY			
01-28-2021	P	FIRST AMENDED PETITION Document Available (#1048846532)  TIFF  PDF			
01-28-2021	ACCOUNT	RECEIPT # 2021-633066 ON 01/28/2021. PAYOR: BRET TOTAL AMOUNT PAID: \$ 10.00. LINE ITEMS: CJ-2020-360: \$10.00 ON AC01 CLERK FEES.			

Track Another Package +

Tracking Number: 70191120000187417469

Remove X

Your item was delivered to an individual at the address at 12:48 pm on March 1, 2021 in OKLAHOMA CITY, OK 73159.

 **Delivered**

March 1, 2021 at 12:48 pm
Delivered, Left with Individual
OKLAHOMA CITY, OK 73159

Get Updates ▾

Feedback

Text & Email Updates

▾

Tracking History

▴

March 1, 2021, 12:48 pm
Delivered, Left with Individual
OKLAHOMA CITY, OK 73159
Your item was delivered to an individual at the address at 12:48 pm on March 1, 2021 in OKLAHOMA CITY, OK 73159.

March 1, 2021, 2:43 am
Departed USPS Regional Facility
OKLAHOMA CITY OK DISTRIBUTION CENTER

February 28, 2021

In Transit to Next Facility

February 27, 2021, 7:46 am

Arrived at USPS Regional Facility

OKLAHOMA CITY OK DISTRIBUTION CENTER

February 26, 2021, 9:00 pm

Departed USPS Regional Facility

TULSA OK DISTRIBUTION CENTER

February 26, 2021, 6:41 pm

Arrived at USPS Regional Facility

TULSA OK DISTRIBUTION CENTER

Product Information



Feedback

See Less ^

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FAQs